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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,980	03/15/2004	Pekka Pihlaja	944-003.212	2504

4955 7590 07/31/2007  
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EXAMINER

AMADIZ, RODNEY

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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07/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/801,980	PIHLAJA, PEKKA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rodney Amadiz	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,11,15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,11,15,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 5, 7, 11, 15, 17 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Oross et al. (U.S. Patent 6,826,042—herein referred to as “Oross”).

As to **Claims 1 and 18**, Oross teaches a portable electronic device (***Fig. 4, Reference Element 100c***) comprising: a user input device (***Fig. 4b, 210c and 214c***) configured for cooperative engagement with a device (***Fig. 4b, 204c***) carried on the surface of the portable electronic device (***Fig. 4, 100c***) and arranged with an elongated element (***Fig. 4b, 210c***) having a first end and a second end disposed opposite said first end (***See Fig. 4b***), such that said user input device is configurable in a first configuration such that said elongated element is arranged for nesting within a recess defined in the surface of said device (***Fig. 4a, note 210c in the nesting position***) and further configured with a size and shape conforming to the surface contour of said device such that said elongated element is arranged to form part of the surface of said device along the surface in the region of the recess (***Fig. 4a, note 210c in the nested position and Col. 5, lines 40-58***), and is configurable in a second configuration such that one of said first and second ends of said elongated element is arranged for protrusion in an

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extended position away from the surface of said device such that in said second configuration said user input device is arranged for operative movement with said device as a joystick (**Figs. 4b and 4c and Col. 5, lines 40-65**).

Oross, however, fails to teach the user input device configured for cooperative engagement and movement with a navigational device carried on the surface of the portable electronic device as well as the recess defined in the surface of a navigational device carried on the portable electronic device. However the specification shows no apparent benefits for the user input device engaging with a navigational device and having the recess defined in the surface of a navigational device. Therefore, having a user input device engage in operative movement with a navigational device and having a recess defined on any surface of a portable device including that of a navigational device is clearly a design choice based on the specific requirement of the claim. In addition Oross does teach that the joystick can be mounted on any region of the computing device (**Col. 2, lines 29-46 and Col. 3, lines 10-16**). Furthermore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the user input device engage with any computing device, including that of a navigational device since the joystick would perform equally well with any electronic device in need of cursor control. Also, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to place the recess on any surface of the portable electronic device including the surface of a navigational device carried on the portable electronic device since the joystick would perform equally well on any surface of the portable electronic device.

As to **Claim 17**, Oross teaches a user input device for an electronic device (***Fig. 4, 100c***), comprising: an elongated element (***Fig. 4b, 210c***) configured with a first end and a second end disposed opposite said first end (***See Fig. 4b***), and arranged for folding into a recess defined in the surface of the electronic device such that the surface of said elongated element is configured to form a portion of the surface of the portable electronic device in the area of the recess (***Fig. 4a, note 210c in the folded position and Col. 5, lines 40-58***), and for unfolding into an extended orientation with respect to the surface of the electronic device for movement and operation as a joystick (***Figs. 4b and 4c and Col. 5, lines 40-65***).

As to **Claim 4**, Oross teaches the user input device arranged to operate as an analog user input device (***Col. 5, lines 59-65***).

As to **Claim 5**, Oross teaches that the portable electronic device is pocket sized and for handheld usage (***Col. 2, lines 37-45***).

As to **Claim 7**, Oross teaches that the portable electronic device is further configured for operation as a mobile cellular telephone (***Col. 2, lines 37-45***).

As to **Claim 11**, Oross teaches means for unfolding said elongated element to its extended orientation in response to a first user action and for folding said elongated element to its nested position in response to a reversal of the first user action (***See Figs. 4a-4c and Col. 5, lines 40-58***).

As to **Claim 15**, Oross teaches that the electronic device is operable as a gaming device (***Col. 15, line 66—Col. 15, line 3***).

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3. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oross in view of Haywood (USPGPUB 2003/0214484—herein referred to as “Haywood”).

As to **Claim 2**, Oross fails to teach that said elongated element is further configured with a hinged connection between said navigational device and said elongated element for pivotal movement about the hinge axis such that said elongated element is configured for folding about the hinge axis in said first configuration and unfolding about the hinge axis in said second configuration. Examiner cites Haywood to teach an elongated element configured with a hinged connection between said navigational device and said elongated element for pivotal movement about the hinge axis such that said elongated element is configured for folding about the hinge axis in said first configuration and unfolding about the hinge axis in said second configuration (***Figs. 4-6a and Pg. 5, ¶ 45***). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of a hinge as taught by Haywood in the elongated element taught by Oross so that the joystick may pivot with ease.

As to **Claim 6**, Oross teaches that said elongated element is configured to mount at its second end for pivotal movement such that pivotal movement of the user input device is restricted in the first configuration and the user device pivots freely in the second configuration (*Oross—Fig. 4a and 4b and Col. 5, lines 40-65*).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1 and 17 have been considered but are moot in view of the new ground(s) of rejection. The applicant has taken claim 3 and amended it into claims 1 and 17. The applicant has cancelled claim 3; however, the applicant has not provided reasons as to how the newly amended independent claims 1 and 17, which include the limitations of claim 3, read over the prior art cited. Furthermore, the applicant has amended claims 1 and 17 to recite the term "navigational device". The specification is not clear what a "navigational device" constitutes. In fact, the only mention of "navigational device" is found in the Background of the specification on page 2, first paragraph. Here, the navigation device refers to a flat button-like actuator. Lastly, the applicant refers to figures 5A and 5B and pages 11-12 to show a navigation device. These drawings however, only show a mobile phone and pages 11-12 do not mention a "navigational device"; hence, there is no correlation between a mobile phone and a navigational device.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Amadiz whose telephone number is (571) 272-7762. The examiner can normally be reached on M-F 8:30-5:00.

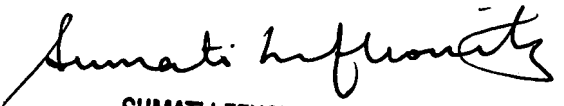
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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